

v. L. d.

THE
REMARKABLE CASE
OF
THOMAS MORTIMER, Esq;

Late His Majesty's VICE-CONSUL for the
AUSTRIAN NETHERLANDS:

ADDRESSED
WITHOUT PERMISSION,
TO
LORD WEYMOUTH,
And his Under Secretaries
ROBERT WOOD, and WILLIAM FRAZER, Esqrs.

WITH
AN APPENDIX;
Containing an Extraordinary ANECDOTE concerning
A RUSSIAN SAILOR.

Veritas gloriam emineat.

THE SECOND EDITION.

L O N D O N :

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DEDICATION,

Without Permission,

To the Right Honourable

THOMAS THYNNE, Viscount Weymouth,
Secretary of State for the Southern Department;

And to his under Secretaries,

ROBERT WOOD and WILLIAM FRAZER,
Esqrs.

My Lord, and Gentlemen,

IN the month of July last, I had the honour to lay before the public the very singular case contained in the subsequent sheets, and I addressed it to you then that you might have a fair opportunity of canvassing every fact therein stated, of accounting, if possible, for your cruelty and injustice to me, and of comparing calmly and conscientiously, your unprecedented behaviour, to a man who had never offended you, with the conduct of your predecessors in office, who highly approved his services, rewarded him for them in a public manner, and strongly recommended him to the favour of his royal master.

As none of the writers, who carefully attend to every the minutest charge brought against any branch of administration, have taken any notice of my complaint, I am left to conclude, that your

under-secretaries are so sensible of the truth of the facts, that they determined no answer should be attempted.

I now appear a second time in the field, armed with new forces, which I will use *effectually*, I hope, against you, to your indelible reproach. And I now again call upon you to assign a manly an equitable, a *political* reason if you can, for the removal of a commercial officer from a station of such importance to the trading interest of this country, as the port of Ostend; and for leaving him, by a sudden, instantaneous deprivation of his office, totally unprepared to settle his private affairs, or to screen himself from the resentment of the magistracy of Ostend; whose displeasure he had incurred by an active and diligent discharge of the duties of his office, in a point of the utmost importance and of the greatest delicacy.

I am aware that you are furnished with a variety of excuses for this measure, all of them equally frivolous, and calculated by low policy to deprive me of my worthy patrons, but thank God without effect. Tired however of waiting the long expected time, when you should make some retribution for the irreparable injury you had done me, by removing me without any previous notice from his majesty's service, I carried my cause, by appeal, to the tribunal of an impartial public; and, I hope, made it appear, that there never was such an instance in England, of an officer so dismissed, and so wronged for doing his duty. And give me leave to observe, that I should not have delayed this publication so long, if I had not been buoyed up by the assurances given me, by your particular friends, that you were sensible of the injustice you had done me, and "that Mr. Wood in particular, " was sorry for it, and wished to provide for me, " but could not find an *opening*." Ano-

Another inducement for postponing this narrative was, a hint from a respectable character abroad, "*that you would look upon the publication of my case, as intended to foment those political factions that have lately distracted us at home, and rendered us contemptible in the eyes of all Europe.*" Professing myself a firm friend to our happy constitution in its genuine purity, founded on revolution principles, and of course a zealous advocate for the rights and privileges of the people, I forbore troubling the public with the private griefs of an obscure individual, not because I dreaded the imputation of fomenting political factions, but because I was unwilling to divert the attention of my countrymen from those important objects which demanded all the efforts of national virtue, and every exertion of that noble ardour in the cause of public freedom, which distinguished and dignified our forefathers. I therefore chose an interval of domestic tranquility, which I foresaw could not be of long duration, for a publication, the chief intent of which was, to convince my friends in particular, and the world in general, that I did not deserve the shameful treatment I met with from you and your servants.

And the present republication is occasioned by a circumstance that has happened in this kingdom *, which I humbly hope will convince my countrymen, that I merited promotion instead of dismission, for defending the privileges of this nation in a foreign country.

Your lordship's removal with your under-secretaries from the Northern to the Southern department, doubles the weight of the blow you have given me, and increases the necessity of presenting my case a second time to the public. By this re-

* *Vide Appendix.*

removal the scene is closed upon me in the Northern department, and the nobleman who now holds that office is left an utter stranger to my person, my character, and my pretensions in case of a future vacancy; when had your lordship been continued there, it would hardly have been possible for you to have evaded my just expectations. The succession to the consulship of Flanders had been repeatedly promised to me by different administrations, when your lordship, or more properly speaking, your lordship's secretaries, came into office, and I may venture to affirm they made no better use of the seals of that department than to remove me from my employment, and enable Mr. Hatton and Mr. Irvine to put the finishing hand to a venal contract, commenced in 1766, and at that time rendered abortive by the candid, benevolent conduct of the right honourable General Conway.

I must observe here, that it was formerly hinted to me by some gentlemen of distinguished rank, that the transient civilities I shewed Mr. Wilkes in the month of December, 1767, while he was wind-bound at Ostend, in waiting for a passage to England, had done me singular disservice with your lordship. It has also been asserted, "that I was one of Wilkes's faction." I therefore think it incumbent on me in this public manner, to declare, that I detest the name of faction, as much as Lord Weymouth, and that from my soul I abhor all tumultuous, irregular proceedings that tend to disturb the peace and good order of a well regulated civil government, if it were for no other reason, but because I wish the friends of the constitution of this free country, would avail themselves of the true spirit of the laws, which afford the most speedy and *effectual* method of inflicting condign punishment.

punishment on bad ministers. Those that knew me in office, can testify the proofs I gave of my loyalty to my sovereign on every occasion, proofs that are incompatible with the idea of faction; but which did not debar me of shewing politeness and civility to a private gentleman in a foreign country, which was all the connection I ever had with Mr. Wilkes, and since my dismissal, however I might privately espouse the cause of freedom, I have not attached myself to any man's particular interest. Mr. Wood knows the contrary. Having said this, let me express my grateful sense, as an Englishman, of the services Mr. Wilkes has rendered his countrymen; by the spirited measures he took in support of his own inherent rights as a British subject and of his acquired privileges as a representative of a free people; and my firm belief, that it was wholly owing to the glorious stand he made against the arbitrary proceedings of the secretaries of state, when his person and papers were illegally seized, that the attempts then made to infringe the liberty of the press, which is the only preservative against ministerial oppression, failed of success. To him I am probably indebted at this time, for the privilege of publishing my case, without the horrid apprehension of having my printer and publisher's houses ransacked, and their persons taken into close custody.

In a word, not being of sufficient consequence to add strength or influence to any political party, I can only most sincerely wish for the success of the best friends of the illustrious house of Hanover, and of the protestant cause—The independent WHIGS—those real supporters of the constitutional rights and privileges of the people; and severe scourges of popery and despotism. But should this publication happily secure me their patro-

patronage and protection, I shall esteem it one of the most fortunate events of my life. For the time is fast approaching, when the intricate situation of public affairs will render it absolutely necessary to place the direction of government in the hands of those whose ancestors established it in the present royal family, that it may be recovered from that state of internal discord and debility, into which it has been plunged by the subversive measures of a set of men, who have vainly endeavoured to bury the spirit of national liberty, in the ruins of party distinctions—when the ministerial operations of 1768 and 1769, shall be held in as much detestation by the real friends of their country, as the inglorious æra of an unnatural rebellion against the late good old king—And then there will not be any occasion for *petitions* and remonstrances; nor for *addresses*, except of congratulation. For prince and people, nobles and commons, the rulers and the ruled shall be of one mind. GEORGE THE CLEMENT, shall be almost adored at home, and universally respected abroad—the field of blood shall only be found on hostile shores—the free-born Briton shall not be slain in any ignoble cause, but shall freely devote his life to the service of his country, against a common enemy—the majority of the representatives of the people shall be endued with honesty enough to be safely entrusted with the sacred rights of their constituents, and courage sufficient to maintain and support them against the strongest efforts of Machiavelian, or which is the same thing, Butean policy—and then my lord, your lordship, your under secretaries, and the author of this address will probably be forgotten, and I hope forgiven for all the past errors of their conduct.

Bedford Court, North-Street,

Red Lion Square, March 15,

1770.

THOMAS MORTIMER.

T H E
C A S E.

I N the year 1763, MICHAEL HATTON, Esquire, Consul for Flanders, who had just acquired an immense fortune by the lucrative employment of Commissary to the army in Germany, finding that his majesty's subjects trading to and residing at the port of Ostend, began to complain loudly that there was no consul or vice-consul to officiate there, thought proper to apply to the right honourable the Earl of Sandwich, then secretary of state for the northern provinces, for leave to stay at home, and to appoint Mr. Mortimer to be vice-consul for the ports of the Austrian Netherlands, in virtue of a power granted under the consul's commission of appointing a *sufficient* deputy. The secretary of state, the proper judge of the sufficiency of such deputy, after having taken a considerable time for deliberation on Mr. Hatton's request, was pleased to accept Mr. Mortimer as vice-consul under Mr. Hatton's commission, which vests the same power in the deputy, as in the principal, and to order him to repair to his station. Mr. Hatton by this arrangement was left at full liberty to pursue the most important object of his life, the adjustment of his commissarial accounts with the treasury, and to attend to a contingency which it was hourly expected would add to his good fortune: The death of the duke of Dorset, then lord warden of Dover castle; on whose demise Mr. Hatton's earthly maker, lord Holderness,

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succeeding by reversion to that post, Mr. Hatton was certain of the appointment he now holds under his lordship of lieutenant colonel of Dover castle. Mr. Irvine, who had formerly acted under Mr. Hatton, in a limited capacity as his deputy at Ostend, when Mr. Hatton made that place his usual residence, and only absented himself occasionally, was at this period, deputy conservator of the Scotch privileges at Campvere in Zealand, which employment can only be held by Scotchmen; and having some private obligations to Mr. Hatton, he saw himself under a necessity, if Mr. Hatton insisted upon it, of quitting a station which was agreeable to his inclination and his interest, in order to act again under Mr. Hatton. In this situation of affairs, Mr. Irvine hit upon the expedient of recommending Mr. Mortimer who was an utter stranger to Mr. Hatton. Mr. Mortimer being differently circumstanced from Mr. Irvine, having a large family, could not possibly think of accepting the office on the same terms as Mr. Irvine had held it, who had never been presented to any secretary of state, nor acknowledged by the government as a crown officer, because Mr. Hatton was in his time supposed to be resident.

The first question therefore which Mr. Mortimer put to Mr. Irvine was, Whether Mr. Hatton ever intended residing again at Ostend? His answer was in the negative, unless the ministry should at any time oblige him to it, and of this there was little or no probability, if Mr. Mortimer was presented to the secretary of state, and acknowledged by the government to be the sufficient deputy under the commission, to which he added, that Mr. Hatton detested the country even while the English army and his best friends were in it, and while he was in the prime of life, and anxious to better his

for-

fortune; but that now he was happily at his ease, and was on the point of purchasing an estate in Kent as near Dover as possible, and therefore would be glad to be left to the enjoyment of his wealth, and the pursuit of the object already mentioned, without molestation.

The second question was, As to the income? This Mr. Hatton and Mr. Irvine both assured Mr. Mortimer was very small, arising from the consulages paid by the masters of British vessels, and amounted only to about forty pounds *per annum*; but that he had a right to form commercial connections which might be done to great advantage and prove a genteel support for his family. And that on Mr. Hatton's demise, there could be no doubt of Mr. Mortimer's succeeding him, and of enjoying the government salary annexed to the office, *viz.* 200*l.* *per annum*.. Imagining that such a salary was an object deserving Mr. Irvine's attention, Mr. Mortimer then asked Mr. Irvine if he should never turn his thoughts towards that succession, or employ his interest to obtain it? To which that gentleman made answer—No, by the living God, or it would be no act of friendship to recommend you to Ostend. I have other views, the conservatorship of Campvere; and shall never think of Flanders, but on the contrary, will use my best endeavours to promote your interest there, and if you behave well you cannot miss of the reversion; it being very unusual to set aside a commercial officer who understands the trading connections of the port where he resides, and has given sufficient satisfaction to the king's subjects engaged in the several transactions of his department. This being confirmed by Mr. Hatton, who indeed declined saying more upon the occasion than was absolutely necessary, their proposal was thankfully

accepted by Mr. Mortimer, and on the receipt of a note from Mr. Phelps under-secretary of state,* acquainting him that the earl of Sandwich expected him to set off for Ostend as soon as his affairs would allow of it, he repaired to his station without loss of time.

At Dover Mr. Mortimer received the following letter from Mr. Phelps,

Sir, Whitehall, Dec. 2d. 1763.

Enclosed you have a letter for Sir James Porter his majesty's minister at Brussels, from whom you will receive all kind of instructions and civilities. I heartily wish you a good passage and journey, and am with great truth, &c.

RICHARD PHELPS.

From that moment to the hour of Mr. Mortimer's dismissal, Mr. Hatton's name was never mentioned verbally or in writing by any of the secretaries of state who did him the honour to correspond with him, nor by any of the great officers of state in any other department, upon any occasion relative to the consular office in Flanders. But after that dismissal by the appointment of Mr. Irvine the 30th of March 1768, to be consul of Flanders, Mr. Wood very rudely told Mr. Mortimer, at his office in Cleveland row, "that, their office, then the northern department, had nothing to do with him or his services, nor could he have any claim on the office, to be provided for or recommended, for he was only Hatton's deputy;" and on this foundation he very humanely discarded him.

* Dated Whitehall, Nov. 21st. 1763.

It will be seen in the sequel, in what light Mr Mortimer was really considered by the government in the course of a very interesting correspondence.

On his arrival at Ostend, he found the merchants, the masters of vessels trading to that port, and the British inhabitants in general, bitterly complaining of the very great oppressions they laboured under from the augmented heavy duties on all articles of the British commerce with Flanders; declaring that the Flemish government had taken every method to banish them, and to cut off the British trade to that country, since the alliance between the courts of Vienna and Versailles.

Mr. Mortimer having represented this to Sir James Porter, to whom he was obliged immediately to repair, to be admitted by the Flemish government, to exercise the functions of his office, that able minister and upright man, ordered him to draw up and transmit to him a general state of these grievances, which he accordingly did on his return to Ostend, and on this occasion Sir James Porter did him the honour to express himself in these terms, in a letter dated at Brussels, January 11th, 1764. " Sir, I
 " have not thanked you for your instructive letter
 " of the 23d of December, as I should have done,
 " I have however made a proper use of it, and sent
 " it where it will corroborate some facts which rested
 " on a single evidence—and if I can, as possibly I
 " may, promote your interest and assist your fu-
 " ture fortune, I certainly shall." In the month
 of July following, Mr. Mortimer received his ma-
 jesty's commands in a dispatch from the right hon-
 ourable the earl of Sandwich, strictly enjoining
 him to transmit to his lordship, an account of the
 contraband trade carried on from the coasts of
 Flanders to Great Britain and her colonies, agree-
 able

able to propofals for that purpose, contained in three papers from the lords commissioners of the treasury to the faid fecretary of ftate, a copy of which his lordfhip inclofed, and further ordered Mr. Mortimer to fend a duplicate of his informations to the lords of the treasury: in obedience to thefe orders, and animated by an ardent zeal to promote the commercial interefts of his country, Mr. Mortimer applied himfelf fo diligently and effectually to this fervice during the winter of the year 1764, and the fpring of 1765, that he had the honour of obtaining the particular approbation of the right honourable George Grenville, then firft lord of the treasury, expreffed in the following terms by Charles Jenkinson, Efq; then fecretary to the treasury.

Sir,

London, Nov. 27th 1764.

I have had the favour of your letter, which I have laid before Mr. Grenville, he directs me to fay, he very much approves of your diligence in procuring and transmitting information of the illicit trade carried on from the ports of Flanders to this country.—Mr. Grenville bids me at the fame time affure you, that he will have your fervices in remembrance, and that you may expect foon to reap the fruit of his good intentions. I am with great truth, &c.

C. JENKINSON.

*T. Mortimer, Efq; his majefty's
vice-conful for Flanders.*

But the following letter, from the fame gentleman, will ferve as a ftanding proof of the entire approbation of Mr. Mortimer's fervices by the whole board of treasury.

Sir,

Sir,

London, June 4th, 1765.

The business of parliament during the last session so entirely engrossed my time that I was not able to answer the letters with which you favoured me:—I did not fail however to lay them before Mr. Grenville and the rest of the lords of the treasury; and I have now the pleasure to acquaint you, that their lordships have ordered a hundred pounds to be paid you at the custom-house, as a reward for the services you performed to the advantage of the revenue, by the intelligence you at several times have transmitted to their lordships. I am with great esteem, &c.

C. JENKINSON.

As a further recompense for these services, and in consequence of the warm recommendations of his respectable friend Sir James Porter, Mr. Grenville and lord Sandwich had engaged Mr. Hatton to make Mr. Mortimer an allowance out of his salary as consul of Flanders. This allowance amounting only to 63 *l. per annum*, though obtained by the free consent of Mr. Hatton, as appears by his letters to Mr. Mortimer dated January 5th, and February 14th 1765, did not fail to enrage him; and on the resignation of those ministers, his animosity publicly broke forth; and from that hour he assiduously studied every means to sell the consulship, or to procure leave to resign it to Mr. Irvine on certain private conditions, in order to exclude Mr. Mortimer from the just expectation he entertained of succeeding to that office at his death, as a further reward for his services to the government. Mr. Hatton's avarice upon this and all other occasions got the better of every other

other consideration, and though he now enjoyed the profitable employment (he had so long expected) in Dover-castle, and his half pay as one of the German commissaries, besides the income of the immense fortune he had amassed by that post, and though his duty at Dover-castle obliged him to residence in the neighbourhood, so that he knew he could not possibly officiate at Ostend, it would not permit him to let Mr. Mortimer enjoy the fruits of his unwearied attention to the duties of his office. The consulship was hawked about upon the exchange of London, as it had been at Antwerp in the beginning of the year 1763, when it was rated at 1500*l.* and offered to Mr. Hollier, a gentleman, who, for reasons which it would be ungentle to mention, was totally incapacitated to bear the king's commission, or to execute any office of trust under the British government, yet Mr. Hollier employed Dr. Blackwood, well known for his judgment in pictures, to negotiate this affair, and it was to the failure of this contract that Mr. Mortimer stood indebted for his appointment. During the year 1765, Mr. Irvine continued settled at Campvere, and would not listen to Mr. Hacton's terms, and Mr. Mortimer continuing his public services, so strengthened his interest both at home and abroad, that it was not thought prudent to pursue the scheme of selling the consulship to a stranger.

But in the beginning of the year 1766, affairs took a different turn in Zealand. Mr. Irvine having been unjustly arrested by the magistrates of Flushing in Zealand, highly resented this indignity; and having laid his case before Sir Joseph Yorke at the Hague, and the ministry at home, satisfaction was demanded of the States-general. But their high-
migh-

tinences after a tedious negotiation, remaining disposed rather to justify the conduct of the magistracy of Flushing than to grant Mr. Irvine proper satisfaction; he conceived such a disgust to Zealand, that he was determined to resign his employment. And as the soliciting of his suit, necessarily brought him to England, Mr. Hatton took this opportunity of tempting him to turn his thoughts once more to the consulship of Flanders, in which, unhappily for Mr. Mortimer, and to the eternal disgrace of Mr. Irvine, he succeeded. Mr. Hatton's motions having been communicated to Mr. Mortimer, he wrote to Mr. Irvine on the subject, who gave for answer, "That Mr. Hatton had proposed to Mr. Alexander Baxter his friend in London to resign the consulship to Mr. Irvine on his securing to him for his life the sum of 100*l.* which he then drew from it; that Mr. Baxter had wrote to Mr. Irvine, advising him to accept the offer, but that he had no such intention." On the face of this contract it is evident the chief view of Mr. Hatton was the removal of Mr. Mortimer from the consulship, unless it can be supposed that his predominant passion avarice prompted him to render the remainder of the salary he enjoyed from the consulship secure for life, by this contract with Mr. Irvine, apprehending that the government might give the whole to Mr. Mortimer.

However, in order to guard against all surprise, Mr. Mortimer's friends about this time strongly recommended him to that polite and candid gentleman, the right honourable general Conway, then secretary of state; and among the rest, Mr. Gordon, who succeeded Sir James Porter as his majesty's minister at Brussels, wrote him the following letter:

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Sir,

Sir, (Private) Brussels, July 11, 1766.

As merit with always meet with encouragement from your excellency, I most sincerely recommend the vice-consul at Ostend to your protection—as honest and faithful a servant as any his majesty employs abroad in that station, and who has in the post I have the honour of serving his majesty, been of real service to me by his vigilance and activity—should he for want of friends lose the consulship at Ostend, he will be miserable indeed, and his majesty will lose a very diligent and active officer. The doing justice to the character of a man of worth, I hope will serve as my apology for the liberty I have now taken, and if your excellency can be of any service to him, you will oblige him who has the honour to be, &c.

To his Excellency General Conway. W. GORDON.

About this time, Mr. Mortimer having wrote to his excellency for a short leave of absence, which was granted him soon after, received a letter from Mr. Hatton, who had been informed of his application, as he imagines by one of the clerks in the secretary of state's office, desiring him to stay at Ostend till he should hear from him again, which should be in a few days. Mr. Mortimer though prepared for his departure, put it off in expectation of a second letter explaining the meaning of this request. And on the 22d he received intelligence that Mr. Irvine was arrived at Bruges the next town to Ostend, but kept his arrival there a profound secret. As Mr. Irvine had written to Mr. Mortimer a few days before from Campvere, and had not mentioned his intention of visiting Flanders, which it was customary for him to do,
for

for they were in strict amity, and kept up a constant correspondence, he began to suspect there was something extraordinary in agitation, and therefore went to Bruges to Mr. Irvine, to whom he put this question: Do you expect Mr. Hatton at Ostend, you know what has passed between him and Mr. Baxter at London, about resigning his consulship in your favour, I hope no surprize is meant? His answer delivered with the most solemn asseverations, such as, *by God, &c.* was, I believe Mr. Hatton is at Bath, that was the last account I had, I know nothing of him. I am here in expectation of meeting with some friends from England, who are going to Paris, and as I intended to go back to Campvere immediately after I had furnished them with some letters of recommendation, I did not purpose going to Ostend, and therefore kept my being here a secret, that I might not be importuned by my friends at Ostend, to make them a visit. But as you are come, I will attend you to-morrow. Accordingly Mr. Mortimer and Mr. Irvine came to Ostend the next day, and had not been there half an hour before Mr. Hatton landed from the packet boat, which was just arrived from Dover, being the first time he had set his foot in Flanders in the space of fifteen years. On Mr. Mortimer's pressing Mr. Irvine to explain the meaning of his sudden appearance; he then confessed that Mr. Hatton had ordered him to meet him there on pain of his displeasure, and had strictly enjoined him secrecy. At a meeting of the three parties on the 25th, Mr. Hatton with great vehemence told Mr. Mortimer, that he had used him very ill during his residence at Ostend, as his deputy, particularly by

applying to Mr. Grenville and lord Sandwich for part of his salary, in consequence of which that measure was forced down his throat, and he was on the point of losing the consulship for endeavouring to evade it. He added, that Mr. Mortimer had never informed him of any public business of the consulate, but neglected him as a cypher, and therefore he was now determined to reside himself. After a volley of other abuse, Mr. Mortimer coolly replied, That the government having been pleased to think his services merited encouragement, it was not his place to prescribe the mode. That so far from not giving Mr. Hatton information of public business, he had wrote him a long letter with a state of the British commerce, and of the grievances the British subjects lay under, dated December 23, 1763, when he had resided at Ostend only 21 days. But that receiving some time after, a letter from Mr. Hatton on private affairs, he found he took no notice of the said public business, and as he further on enquiry had received information that Mr. Hatton had not made any application to the ministry about that public business, it was natural for him to conclude, that Mr. Hatton did not choose to embarrass himself with the business of the consular office, after having fixed him in it. Mr. Mortimer was then desired to produce all his public and private papers, copies of letters and correspondence with the government for Mr. Hatton's inspection, which he positively refused. And for an obvious reason, Mr. Grenville was then out of his office, and the transactions that had passed between Mr. Mortimer, the treasury, and the custom house, were such as he did not think proper to trust Mr. Hatton with, of all men living.

A proposal was then made that Mr. Mortimer should permit the resignation to pass quietly, and Mr. Irvine would continue him vice-consul till he could be otherwise provided for. To which he replied, that he would consult his friends in London, and give Mr. Hatton his answer there. Mr. Mortimer sailed for England the next day, and Mr. Hatton went up the country on a visit, and then followed him, but did not presume during his stay, to officiate as Consul.

The first thing Mr. Mortimer did on his arrival at London, was to write to lord Sandwich and Mr. Grenville, a state of the proceedings at Ostend, as he understood that Mr. Hatton had agreed never to molest him in his office. In consequence of this application, he received the following letter from lord Sandwich.

Sir, Hinchbrook, August 22, 1766.

In answer to your letter desiring me to recollect what passed at the time when it was fixed that you should receive one hundred a year—*(the taxes and deductions on the whole salary were taken from that allowance, which reduced it to 63l.)*

I am very ready to give you any information which is likely to be of use, and to which you are in justice entitled. I well remember that those who had the management of the revenue, when I had the honour of serving the king, were so well pleased with your diligence, and with the services you had done to the revenue, that it was intended to recommend it to his majesty to remove Mr. Hatton, and to put you into his place; and this I believe would certainly have been effected, had it not been for my interposition, who, *as a favour to Mr. Hatton,*

Hatton, compromised the matter, and prevailed on him to allow you one hundred a year, and to leave you unmolested in the execution of your office. It is besides my opinion, that if Mr. Hatton had agreed to reside, the then treasury would not have been satisfied with it, as they had confidence in you, and considered you as an useful servant, while they looked upon him in a different light.

I am, &c.

SANDWICH.

With this letter, and another from Geoge Rice, Esq; one of the commissioners of trade and plantations, Mr. Mortimer waited on General Conway, to whom he had likewise been recommended by one of the lords of the new treasury board *, and his excellency was pleased on the recital of his case, to assure him that no such resignation should take place in his time: And desired him to tell Mr. Hatton to wait on him, that he might be informed if he had any complaint to make of Mr. Mortimer, respecting the public business. Mr. Mortimer accordingly left a line for Mr. Hatton at his lodgings, not finding him at home, to that purport, but he chose to decline the meeting, and retired to his estate the next day. Thus the whole plan failed, which had been concerted between Mr. Hatton and Mr. under-secretary Frazer, who had been formerly secretary to lord Holderness, and by this means became a firm friend to Mr. Hatton. But very impolitically they had never condescended to ask general Conway's opinion of their project. It was now unnecessary to trouble Mr. Grenville for a recommendation, and therefore Mr. Mortimer wrote a second letter to that most worthy gentleman, who assured him in answer, "that he should very willingly have given his testimony

of

* Now one of the patriotic minority.

of his good behaviour in his station, and that it would have been a pleasure to him to have done justice to his conduct, but heartily congratulated him that there was no occasion for it."

It will now be necessary to state in as brief a manner as possible, some other singular transactions at Ostend, during the years 1764, 1765, 1766, and 1767, that it may appear how far Mr. Mortimer merited the protection he constantly received, from different administrations, 'till lord WEYMOUTH came into office.

In 1764, Mr. Mortimer by representation to Sir James Porter, procured the annulling a very oppressive regulation of the magistrates of Ostend, compulsively obliging the masters of British ships driven into that port by stress of weather, to consign their ships and cargoes to brokers appointed by them. As nothing can tend more to shew the disposition of the Flemish magistracy, we hope the memorial to Sir James Porter on this subject will not be unacceptable to the public.

MEMORIAL, addressed to his excellency Sir James Porter, his majesty's minister plenipotentiary at Brussels, the 26th of November, 1764, by Thomas Mortimer, Esq; vice-consul at Ostend.

"The magistrates of Ostend in the year 1760, appointed commissaries to take charge of all ships entering the port of Ostend, that should not appear to be consigned to any merchant or factor of the town; and the better to secure these vessels to their commissaries, the pilots on boarding them were ordered to ask the masters to whom they were consigned, and if they did not immediately declare the name of some merchant or agent in the town, they were to be conducted to the commissaries, who were to take charge of the said ships,

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to clear them at the custom-house, and to do all other such necessary acts as might be required for the service of the said ships masters.

This regulation still subsisting in full force, his majesty's vice-consul thinks it his duty to represent to your excellency, that the said regulation, so far as it respects British ships, is a manifest infringement on the consular rights, and is attended with consequences injurious to the owners and freighters, as well as to the masters of the said ships who are thereby deprived of the assistance they have a right to expect from the British consul, and are subjected to sundry grievances, of which the most important is, that British ships driven into the port of Ostend by stress of weather, and having received damages at sea, are obliged to be put under the entire direction of the Flemish commissaries. And as it often happens that the masters have not money to defray the expences of refitting, and the port charges; the said commissaries in all such cases, absolutely refuse to advance them any money, even on good bills upon their owners and freighters; but insist on their selling a part of their cargoes or personal effects to defray the said expences, though the British merchants and agents inhabitants of the place would gladly take their bills, and do every necessary office of brokers for the said masters. By this means cargoes have been sold to the great prejudice of the owners, and to the emolument of the commissaries.

The said vice-consul having lately applied to the Burgomaster on two occasions, was told, it was agreeable to the maritime law, that the masters of vessels should sell their personal effects, or part of their cargoes, to defray their expences in ports
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where they are strangers, and that the Consuls should not interfere in it.

He therefore begs your excellency's instructions on this head, and further represents, that it appears to him, that the masters of all British vessels entering the said port by stress of weather, or for other causes, and having no agent in town to whom they are directed to apply, should be left free and at liberty to demand the British consul's protection, assistance, and recommendation, agreeable to the rules of all other ports where consuls reside, or to consign themselves to whom they think proper. And as the said regulation was made at a time when there was no British consul, or vice-consul resident at Ostend: The said vice-consul solicits your excellency to endeavour to obtain a repeal of the said regulation, so far as it interferes with, and interrupts him in the execution of his office. The masters and owners of some British ships having made their complaints to him on that head."

Notwithstanding the magistracy employed all their credit in the privy-council at Brussels, yet such was the weight and influence of a resolute and experienced minister, that Sir James carried his point, the ordinance of the magistrates was declared null and void with respect to British ships, to the great joy of our countrymen. By the same powerful interposition a British ship valued at two thousand pounds which had been confiscated for a trifling offence, the concealing a very small quantity of salt, to preserve their provisions, was restored. And Sir James Porter expressed constantly the pleasure he took in supporting Mr. Mortimer upon such applications to him.

In the month of February, 1765, Mr. Mortimer transmitted an exact state of the British com-

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merce in the ports of Flanders, and of the commerce of all other nations to that country, with a duplicate to the board of trade, pursuant to orders received from the right honourable the earl of Sandwich on that subject—and also an account of the several augmentations of the duties on British commodities, by private ordinances of the council of finances at Brussels, in violation of the barrier treaty of 1715. This service was attended with great difficulty and expence. And in the month of August of the same year, he had the honour to present the following memorial to his grace the Duke of Grafton, then secretary of state for the northern provinces.

“ His majesty’s vice-consul for the port of Ostend begs leave most humbly to represent to your Grace, that he apprehends the present establishment of the English and Irish Jesuits at Bruges will prove highly detrimental in many respects to Great Britain.

The conveniency of constant trading vessels between London and Bruges, and the regular, frequent voyages of the king’s packet-boats stationed at Dover and Ostend, affords them the most favourable opportunities of passing and re-passing to and from England unobserved as often as they think proper.

The chief visible object of their frequent voyages to Great Britain is, the procuring of children to be educated in their seminaries at Bruges, where they have two schools, the one for young boys, which they call the little school, the other for boys from about ten years of age, who wear the jesuit’s habit, and receive a finished education.

A number of persons are constantly employed in London and in the several counties of England
as

as agents to incite the parents of children to send them abroad for education, among whom are the persons whose names are annexed to this memorial; and the said vice-consul begs leave to assure your grace, that if it shall be judged necessary for his majesty's service, he can procure exact lists of almost all the persons so employed, with the number and quality of children sent over from England for education, and the present state and condition of all the popish seminaries for the education of British children along the coasts of France and Flanders; which seminaries are now in a more flourishing condition than ever, owing to the number and frequent voyages of passage boats to those coasts, and to the fatal propensity discoverable in his majesty's subjects, though protestants, to send their children abroad for foreign education.

Besides the money that is annually remitted from England to pay for the education and board of these children, the said vice-consul has observed with concern, that large sums of our best gold coin, new weighty guineas, which pass on this coast for 1*l.* 2*s.* 3*d.* are brought over by the parents and friends of the children, who instead of summer excursions in their own country, make voyages to Bruges, and purchase lace, linen, and other articles with their new guineas, to be clandestinely carried home, to the defrauding of his majesty's revenue.

The said vice-consul begs leave further to remark to your grace, that the unlimited freedom of embarking on board the packet boats, which are the king's vessels (appropriated to the sole purpose of carrying the mails, messengers, and other persons on the government service) without being

subjected to the least examination either at Dover, Calais, or Ostend, though it is a matter of permission, not of right, to embark on board these vessels, is a great encouragement to the jesuits and other popish agents to pass and repass frequently incognito, under various disguises. He therefore submits to your grace's consideration, whether it might not be expedient to oblige persons passing and repassing in the packet boats, to take pass-ports of the king's officers on both sides the water, to be delivered to them gratis, being only calculated to render them subject to the notice and examination of such officers.

That it seems to be a very striking instance of misconduct in the post-office, to vest the entire management of the king's packet boats in the hands of the Flemish post-master at Ostend, a bigotted Roman catholic, while the king has a consul or vice-consul resident on the spot.

That superstition and enthusiasm of the rankest kind reigns universal, and is encouraged by the government throughout the Austrian netherlands.

That the Irish and English Jesuits, banished from France and established at Bruges, are the avowed enemies of our most gracious sovereign, and as a proof of their attachment to the house of Stuart, portraits of the pretender are hung up in the public rooms of their academies, decorated with the insignia of the noble order of the garter, and a crown and sceptre reposed on a cushion.

That these jesuits receive large contributions from England for the support of the different societies of English and Irish jesuits in other parts of the world.

Lastly,

Lastly, that the academy at Brussels for boys, and the nunnery at Calais for the education of girls, and some other popish seminaries, have been advertised this year in the London news-papers.

These circumstances the said vice-consul thought it his duty to lay before your grace, and humbly hopes that in so doing he approves himself a dutiful servant to his royal master, and may merit your grace's favour and protection."

His grace the duke of Grafton was pleased to express his approbation in the warmest terms, and to grant Mr. Mortimer, his constant protection while he held the seals of the northern department. He likewise told him that his intelligence exactly agreed with the information received from the king's officers on the sea ports; and that he thought it expedient to establish a form of passports for persons embarking on board the packet boats at Ostend, and would talk with the post master general on the subject. But this measure was overset, and a few months after Mr. Nathan Brame, merchant at Ostend, gave the vice-consul the following account of its miscarriage, as it was related to him by Captain Robert Wellard, master of the Hanover packet boat. Mr. Barham agent for the packet boats at Dover was consulted, and his advice prevailed. This gentleman, perhaps sagaciously foresaw, that the subjecting passengers to examination would diminish their number, for they might probably prefer going by trading vessels, and as he receives half a guinea for every passenger in the packet boats to and from Ostend, he, therefore, ridiculed the scheme, represented it as absurd and not calculated to answer any one good purpose, and alledged that it would only rob the packet boats of the passengers to turn them

them over to the bye boats and London traders, which being the property of merchants could not be subjected to pass-ports. The fallacy as well as the selfishness of this augment is apparent. The bye boats are hired chiefly for families, and when they cross the water, do not wait on the other side to pick up single passengers; and as to the London traders they do not perform a voyage and its return, in less than a month; whereas the packets go twice in the week, when the wind is fair. But Mr. Barham having carried his point, should have kept his own secret, and not have communicated this futile argument to the insolent captain Robert Wellard, who, foaming with rage, related the whole circumstance to *Drame*.

It is observable, that during all the last war, the said captain Robert Wellard was allowed, though a hale, hearty, middle-aged man, to stay at home at Dover, and hold the two places of captain of a man of war, and captain of a packet boat, in the latter of which he did not fail once in six months, leaving it to the care of his mate to secure the mails from French privateers; and was at home by his fire side, when thirteen Flanders and Italian mails were infamously brought home by a smuggling cutter in the year 1760, while his packet lay in Flushing harbour, and would not stir out: the said cutter performed her voyage and returned in safety to Flushing to expend in teas and geneva, the sum paid to the crew by Mr. Barham for doing the duty of captain Robert Wellard's packet. But the case was this, the cutter had nothing to fear from the master of a small open boat privateer that lay in the Dunlow channel.

In the year 1766, Mr. Gordon his majesty's minister at Brussels, obtained a considerable diminution

minution of the duties on paper hangings imported into Flanders from England. The very exorbitant duty on this article, amounting nearly to a prohibition, had been a subject of repeated complaint from Mr. Mortimer to the king's ministers at Brussels in a series of letters from 1764 to this time, and for which he had received their repeated thanks.

In the months of October and November of the same year Mr. Mortimer had the happiness to transmit very material intelligence to Mr. Gordon at Brussels, and to the right honourable general Conway, then secretary of state, concerning the seduction of British manufactures and artificers from Great Britain to France and Flanders, particularly pointing out several persons employed in London to seduce them; and in a conference with Mr. Gordon on that subject he had the honour to advise the measure, *of ordering the acts of parliament inflicting various penalties on the seducers and the seduced, to be read in the parish churches of all the manufacturing towns in Great Britain every three months, and to be frequently inserted in the London Gazette.* Upon this occasion Mr. Mortimer received the following letter of approbation by order of general Conway, which is here inserted, as it was the last notice that was taken of him, the last attention that was paid to any letters he sent to the secretary of state's office on public business, or to any services he rendered to his country, though his zeal, activity, and diligence continued the same to the very last hour that he remained in office.

St.

St. James's 25th Nov. 1766.

S I R,

I am directed by Mr. Secretary Conway, to acknowledge the receipt of your letter of the 15th inst. and to approve the attention you have so properly shewn to the evil practices which have too successfully prevailed, of enticing the manufacturers of this country to settle themselves abroad, and am to recommend it to you to endeavour to find out the seducers of these deluded people, and to acquaint me, for general Conway's information, with any discoveries you may make on this head. For your instruction I send you inclosed two acts of parliament, (*being wrote for by Mr. Mortimer*) to which you will conform in every particular, and that none may plead ignorance of the laws in force; I am to desire you will inform the captain of every English vessel trading to Ostend, as well as the captains of the packet-boats, of the risque they run if they act in open violation of the laws to which they owe obedience. As you must be sensible how necessary it is for the king's service, that you should communicate every step you take to the king's minister at Brussels, you will, I make no doubt, constantly correspond with him.

I am Sir, your most obedient humble servant,

WILLIAM BURKE.

Nothing material happened in the vice-consul's department from this time to the month of July, 1767, when Mr. Mortimer sent the following express to the secretary of state.

S I R,

S I R,

Ostend, July 24, 1767.

I think it my duty to inform your excellency, that the British merchantman named *The Friend's Good-Will*, Francis Lott, master, sailed into this harbour in the night of the 22d. she is laden with wheat from the port of *Magador* in Africa, for this port. *The Baltimore*, (the master as yet unknown) from the same place, came to anchor in the road the next morning; and a third, is hourly expected to appear.

The magistrates of this place assembled yesterday morning very early, and ordered centinels to guard each side of the canal of the port, to cut off all communication with the *Friends Good-Will*, and to prevent their landing any of their people, or any letters; at the same time they ordered the master to depart with his ship the following tide.

The alarm was so great, and the consternation of the inhabitants so general, that the cannon were ordered to be loaded, and to be fired on the *Baltimore* in the road, if she should attempt to come in—the weather being too stormy to send out the pilot boat with proper signals and orders.

I spoke with the master and pilot of the *Friends Good Will*, who informed me they were all well on board, that they had not been in any port of Great Britain; and had only touched off Dover to take in the said pilot. The consternation of the people here, arose from a supposition that these ships had been refused admittance into the British ports, which seemed highly probable, as we have been constantly exporting wheat in great quantities for some time past; it was therefore not to be credited that their cargoes were destined for the consumption of this country.

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On enquiry, I found that these ships were consigned to an English broker here, who had expected them for some time; and the wheat was to be unladen and reshipped for the ports of England, in small British vessels lying here for that purpose, *under the denomination of Flemish wheat.* This circumstance occasions me the honour of writing to your excellency; I do not suspect with the Flemings, that the plague is actually on board these ships; but I imagine the cargoes may be faulty, and that the masters and owners may attempt to land this wheat at the port of Bristol, for which place the ships are now destined, under false denominations. The packet being on the point of sailing I have only time to add, that I have the honour to be, &c.

To his excellency Gen. Conway, T. MORTIMER.
 &c. &c. &c.

Having obtained his majesty's leave of absence for a short time, Mr. Mortimer in the following month, found W. FRASER, Esq; in the secretary of state's office in the character of one of the under-secretaries, as he had never received any letter from this gentleman, but had constantly been wrote to either by his excellency, or Mr. Burke, who had now resigned, he was an entire stranger to Mr. Mortimer, who however, after the usual civilities thought proper to ask him if the above letter had been received, to which Mr. Fraser answering in the affirmative, but without any remark thereon, Mr. Mortimer put a second question, "I hope I did right in sending that intelligence?"
Ans. "O yes, very right, it came in time to be laid before the privy council, and to prevent the landing of the wheat in any of the British ports." About a fortnight after this, a general alarm was spread

spread upon the Exchange of London, about these ships, occasioned by a letter from a French merchant, that they had been hovering off the coast of France, and had been refused admittance every where, and also that the magistrates of Zealand had sent circular letters, to inform those of France, that such ships having *the plague* on board, were trying to get into some port; and commodore Moore upon this occasion received instructions concerning them, as appeared by the public papers. To make the least of the matter, the consequences might have been fatal to his majesty's subjects, if they had consumed damaged wheat, which came from such a suspected country as Africa, had been so long on board, and had suffered more still by the heat of the season, in short, this wheat was finally flung into the sea. Yet the immediate attention shewn by Mr. Mortimer to such an important event, could not procure him that approbation from Mr. Frazer, Mr. Hatton's fast friend, which he had been accustomed to receive from the office. He now therefore became convinced, that he had a dangerous enemy in Mr. Frazer; but some time after, being received by general Conway, on taking leave to return to his station, with his usual politeness and affability, and treated with great civility, by the truly celebrated David Hume, Esq; he determined to make himself easy, to pursue his duty with the same alacrity, and patiently to wait the issue.

But when general Conway resigned, and lord Weymouth was appointed, a circumstance happened, which gave him room to expect that he should be treated with contempt and neglect; but he did not imagine it possible, after he had got possession of such a positive proof under lord

Sandwich's hand, of Mr. Hatton's promising not to molest him in his office, that any attempt would be made to remove him; he therefore resolved to endeavour to change every instance of coolness and incivility from the office, into esteem, if possible, by a diligent attention to please.

The circumstance referred to is this. On the appointment of his grace the duke of Grafton to be secretary of state for the Northern provinces, Mr. Mortimer received the following circular letter.

Whitehall, 12th July, 1765.

S I R,

The king having been pleased to appoint me to be his principal secretary of state, for the Northern department, in the room of the Earl of Sandwich; I am to desire that you would for the future, address your letters to me, which I shall not fail to lay regularly before his majesty, and to transmit to you such orders and instructions, as the king shall think proper to give for your guidance and direction.

I am, Sir, your most obedient
humble servant,

Mr. Vice Consul Mortimer.

GRAFTON.

A similar letter was sent to him by general Conway on his appointment; and it is remarkable, that dispatches were regularly sent to him upon all public occasions, such as births or deaths in the royal family, with the king's speech on the meeting and dissolution of parliament, &c. besides frequent instructions relative to the business of his office. But when lord Weymouth came into office, no further notice was taken of him, not so much as to notify that event, and at the time when
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the remarkable transaction happened, of which Mr. Wood and Mr. Frazer thought proper to avail themselves in order to carry into execution the plan that had been concerted by Mr. Frazer and Mr. Hatton for his removal, Mr. Mortimer had no information who was secretary of state, or who were the under-secretaries, but from the news-papers. In this situation of things, however, he relied on the friendship of Mr. Gordon, who to his certain knowledge was highly pleased at the revolution in administration, and he fondly hoped that what he lost in personal interest by the resignation of general Conway, he should recover through Mr. Gordon's friendship for him; and interest with lord Weymouth, and the duke of Grafton. The event however will prove that he was entirely mistaken in his notions and expectations, as to Mr. Gordon's attention to his interest.

We now come to the last public transaction of the vice consul, which was immediately succeeded by the appointment of Mr. Irvine, conducted in so secret a manner, that till that appointment appeared in the gazette, Mr. Mortimer, had not the least apprehension of such a measure. The cruelty and artfulness of which secrecy is so obvious, that it is hardly necessary to mention it. They knew that Mr. Mortimer was fully employed in a painful fatiguing point of duty, which wholly engrossed his attention, and for which he had the strongest reason to expect promotion; and that had he been more at leisure, and had relied less upon Mr. Gordon, he might have discovered their latent designs, and by a timely application to his friends, have prevented their taking effect. They therefore sagaciously struck the blow unperceived,
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in an instant, and reduced him and his family to the most disagreeable circumstances, to gratify the resentment and avarice of an enriched commissary, and to settle a single man, already genteelly provided for, in a station of which he had declined all thoughts.

On the 24th of January, 1768, *Peter Horfeman*, a native of Gibraltar, and master of a brigantine called the *St. Ann*, came into the port of Ostend under British colours, through stress of weather, being bound for Hamburgh with oranges, lemons and Morocco skins from Messina. Mr. Mortimer being at that time at Dunkirk watching the motions of some manufacturers who were just arrived there, and particularly of one Cooke a leather currier, who was just established there with the greatest encouragement from the French government. Upon his return to Ostend the very next day, he found that this *Peter Horfeman* had applied to the Flemish magistracy to put three of his crew in prison, on a complaint of mutiny. He immediately sent for Horfeman, to give him an account of the cause of confining his majesty's subjects in a foreign prison, and in order to know if the case was so pressing as to require their immediate imprisonment, without waiting the return of the said vice-consul, whose office it is, "to examine into all disputes between the masters of British ships and their sailors, and upon a well grounded request of the said masters, to commit the said men to prison, as also to release them, when the affair is compromised. This privilege is constantly enjoyed by all consuls in foreign ports, and is evidently calculated to prevent the magistracy of the place interfering in the little quarrels, and disturbances that happen among ships

ships crews. The free exercise of this function of the consular office had never been denied to Mr. Mortimer, and was even secured to him at his admission into office. The court of Brussels having sent down a standing order to the governor or commandant for the time being, to assist the said vice-consul with the *main forte*, a military guard, in the execution of his office." Mr. Mortimer being absent, the magistrates thought proper to confine Horseman's men, but on his return home all further proceedings with respect to them, belonged to the consular office. Not imagining he should meet with any obstruction in this part of his duty, he proceeded to question Horseman, and found upon a close scrutiny into the affair, that there was little or no ground for so capital a charge as mutiny, he therefore advised Horseman, as he had done several other masters of ships, to keep them in prison till he sailed, lest they should desert him, but upon his saying they had threatened his life, and were always quarrelling with his mate, the said vice-consul made the following propositions to him. If you think you can make good your charge of mutiny against them, we will apply to the magistrates to have them put in irons, and I will send them by the packet to Dover, with an express to the mayor of Dover to detain them in custody, till the good pleasure of the lords of the admiralty shall be known concerning them. But if you concur with me in opinion, that the disputes that have happened between them and the mate on board your ship, amount to no more than common quarrels, (in which you always took the mate's part) and that you imagine the duty of the ship will be neglected by continuing those men on board,

I will give you a certificate of their discharge, according to act of parliament, and will pass them home by the first British ship. To the latter he consented, with which his Flemish broker who accompanied him did not seem satisfied. As soon as he was gone, Mr. Mortimer went to the prison to the sailors, as he had frequently done upon former occasions, to enquire if the men had any just complaint against their captain, and also to see that they were properly taken care of. The chief jailor conducted him up stairs as usual, where he found two of them in a very decent room, but the third was closely confined in a dungeon, from which he could only speak to him through a small grate. Upon enquiring of his comrades the reason of this severity, Mr. Mortimer was told that the Bailli, whose office in most respects corresponds with that of our sheriff, had been in the prison the day before, accompanied by Horseman's broker, and had demanded of all the men their papers; upon which Matthew Dunnovan, who had the custody of their important writings, refused to deliver them. Whereupon the Bailli made an attempt to take them from him by force; but the brave unthinking Tar took up a log of wood from the chimney and swore he would resist even unto death. The guard was called and the search made by force, but they could not find the papers. On hearing this narrative, Mr. Mortimer asked Dunnovan, what papers they were? Who replied, "a certificate entitling me to a pension from the chest of Chatham, for a wound I received in the king's service last war, a character of myself and Charles Macarthy, for our good behaviour from our commander, and a writing signed by Horseman's mate, a papist dog who was master of a privateer

vateer open boat belonging to Calais last war, promising to forfeit one hundred pounds, if ever he took the law of us, as he had threatened, for a quarrel between us, when the ship lay at the Motherbank, Spithead." Mr. Mortimer then asked Dunnaton and his companions, if they would freely deliver these papers to him to be kept in his office, as a public office belonging to the king of Great Britain, to be forth coming either for or against them when before their proper judges? To this, having given their consent, Dunnaton produced them from a check-linen belt fastened round his body under his shirt. The vice-consul then proceeded to enquire if they had any complaint against their captain? The answer was, that he had not allowed them sufficient provision—that the ship was not in a condition to perform the voyage to Hamburgh—that the captain had sunk a vessel called the *Ann* of London, to cheat the insurers, and was possessed of a false Mediterranean pass, that they knowing these things, he wanted them out of the way, and had brought a criminal accusation against them in this popish country where he and his mate would be believed, and they should be broke upon the wheel, unless the said vice-consul interfered, for the Bailli and the jailor had informed them they would be executed on the friday fortnight following; and indeed to say the truth, the whole town seemed to thirst for their blood. Mr. Mortimer lost no time, but immediately went to the assembly of the magistrates then sitting, and complained of this treatment of the poor men, insisting that their crime, if they were guilty of any, was cognizable only by the Judges of the supreme court of Admiralty of Great Britain, and intimated to the magistrates that he expected they should

be given up to his disposal. To which the Pensionary, who is the queen's attorney-general, answered in the name of the magistrates; that Horseman had brought a criminal accusation before them for a capital crime, which they would oblige him to prosecute according to their laws. And further declared, that the said vice-consul should not interfere in it. And in the afternoon of the same day, a deputation of the said magistrates attended by their under officers, and the bailli's servants, one of which was the common hangman of the place, came to the vice-consul's house, and demanding to speak with him, read him a formal arrest in the empress queen's name of the papers in his hands belonging to the three men in prison, with an order to transport them to the recorder's office of the city and port of Ostend in twenty four hours, which Mr. Mortimer on the spot peremptorily refused, and told the chief magistrate that if any further personal insult was intended him, before he could have the opinion of the king of Great Britain's minister at Brussels on these proceedings, he would quit her majesty's dominions instantly and retire to Dunkirk. On assurance that no further incivility would be offered, Mr. Mortimer staid in his house, and dispatched a courier to Mr. Gordon, with an account of their proceedings. For answer Mr. Gordon sent the following letter.

Bruxelles, Sunday 31st of Jan. 1768.

Dear Sir,

Immediately upon the receipt of your letter, I had a long conversation with Comte Cobenzl, but as we could not by any means agree, and as your letter contains things of infinite consequence, it is
now

now high time for me, after the repeated complaints that you have sent me, to take up the affair ministerially, for I find I never shall be able to obtain any thing amicably. You will therefore immediately upon the receipt of this, transmit to me a memorial in form, stating the whole as clear and distinctly as you can, which memorial I will immediately lay before his royal highness, and will support it with a very strong one, by which means I hope we shall be able to know what are their reasons for acting in this despotic manner; and as soon as I have their answer, I will immediately transmit the whole affair home.—Enclosed I transmit you all the papers you sent me—with regard to the military prison, Comte Cobenzl assured me that it was totally impossible for him to grant you your request—I have only time to beg that you will not lose a moment's time in sending me a proper memorial;

It will be much better that your memorial should be in French, than in English.

Believe me to be yours, very sincerely,

W. GORDON,

On the back of this came another letter, which contained no positive instruction, but a hint that Mr. Gordon thought Mr. Mortimer in the wrong, and left him to act as he thought proper. In the mean time, the magistrates continued assembling night and day, examining Horseman, (who now seemed determined to take away his mens lives) and the rest of the crew: and the said vice-consul continued remonstrating against their conduct, and counter-examining the crew on oath, because the magistrates positively refused him admittance during their examination of evidences who were British subjects, in a cause wherein the lives of

British subjects were at stake, though it was ever before deemed an inviolable privilege that the British consul should be present, and act as advocate or council for the accused parties. By this time Mr. Mortimer had obtained sufficient proof from the registry of the admiralty court at Dunkirk—that the *St. Ann*, the brigantine Horseman now sailed in, was bought at that port in January, 1767. Whereas the Mediterranean pass from our admiralty, which the said vice-consul had got from Horseman, was made out at Gibraltar by general Irwine for a schooner called the *Ann of London*, of a different construction from this brigantine which was known at Dunkirk by the name of *la princesse de Ligne*. Having detected this fraud, and finding himself left to contend with the magistrates of Ostend without any proper or positive instructions from Mr. Gordon, and in a total ignorance who were the officers of state in the northern department at home; he thought it his duty to send this account of Horseman's pass to the Admiralty with a state of the case, and to desire instructions upon it. Accordingly, the Admiralty honoured him with the subjoined papers.

Admiralty Office, 16 Feb. 1768.

S I R,

I received and read to my lords commissioners of the Admiralty, your letters of the 3d and 6th of this month, relative to the misbehaviour of Peter Horseman, master of the *St. Ann Brigantine*, in relation to a Mediterranean pass, and an unjust prosecution of three of the crew belonging to the said Brigantine, for offences alledged to have been committed at Spithead; and I having by their
lord,

lordships command sent the said letters to Mr. Seddon, their lordships solicitor, for him to consider the contents thereof, and report what may be proper to be done therein; and he having in answer thereto by letter of the 12th instant (copy of which comes herewith) advised, that the bond given for the Mediterranean pass should be put in suit for non-performance of the conditions thereof, and that his majesty's principal secretaries of state should be acquainted with the circumstances of the case of the three men in custody at Ostend, that application may be made to the imperial minister to stop all further proceedings against them. I am commanded by my lords commissioners of the Admiralty, to desire you will please to return to me the pass you took from Horseman, that the bond he gave for the same may be put in suit; and I am also to acquaint you that the whole of this affair is sent to lord Weymouth, his majesty's principal secretary of state, for his majesty's information.

I herewith return you a copy of your letter of the 3d instant, as you desire, and am

S I R,

your most humble servant,

PH. STEPHENS,

P. S. Your letter of the 11th instant is come to hand, and a copy of it also sent to lord Weymouth for his majesty's information.

I also herewith send you an extract of so much of his majesty's order in council relating to Mediterranean passes as concerns consuls in foreign ports,

but

bus as to other instructions, you will please to apply to the secretary of state for them.

Tho. Mortimer, Esq;—Vice-Consul at Ostend.

Piccadilly, 12th Feb. 1768.

S I R,

In obedience to the directions of my lords commissioners of the Admiralty, signified to me in your letter of the 11th instant, inclosing two letters received from Mr. Mortimer, his majesty's vice-consul at Ostend, relative to the misbehaviour of Peter Horseman, master of the St. Ann Brigantine, in relation to a Mediterranean pass, and an unjust prosecution of three of the crew, belonging to the said Brigantine, for offences alleged to have been committed at Spithead; That I should consider the contents of the said papers, and report to them what may be proper to be done thereon; I take the liberty to acquaint you, for their lordships information, that I have accordingly perused and considered the said Mr. Mortimer's letters, whereby it is stated, that the said Peter Horseman went with the said vessel, called the St. Ann, into the port of Ostend, the 24th of January last, by Relâche, being bound for Hamburgh; that Mr. Mortimer on receiving from him his Mediterranean pass, found it was made out, by order of General Irwine, of Gibraltar, for the schooner, called the Ann of London, burthen sixty tons, navigated with seven men, five his majesty's subjects, foreign built, made free, and bound to England, bearing date the 24th of April, 1766. And further stating, that it has been reported to Mr. Mortimer, that the said Ann Schooner of London, was lost in her passage home;

home; and that the mate, or seamen made oath, that the said Peter Horseman sunk her wilfully, to defraud the insurers; and also that it is certain, that the said Peter Horseman fled to Dunkirk, and bought there of one Mr. John Bodin, the Brigantine he now commands, which was called *La Princesse de Ligné*, burthen about seventy tons, as appears by the bill of sale dated at Dunkirk, January 17th, 1767, and called her the *St. Ann of Gibraltar*, as also appears by the clearance or passport of the Admiralty of Dunkirk, dated 13th June, 1767.

That the said Peter Horseman sailed with the said Brigantine, in the month of June last, from Dunkirk for Genoa, and got Mr. Halford, his majesty's consul at Genoa, to indorse his Mediterranean pass, made out for the *Ann* schooner of London, that he had sunk: For which and other reasons therein stated, Mr. Mortimer has detained the said pass: And Mr. Mortimer further states in his said letters, that the said Peter Horseman, has put three of his men in prison, for having mutinied, as he says, at Spithead, and that the Flemish magistracy, have proceeded with great heat against them every day since the 29th of January last, citing and adjourning the rest of the crew, and taking their examinations privately.

From which narrative I beg leave to observe, first, with respect to the Mediterranean pass therein mentioned: That though the said Peter Horseman imposed upon Mr. Halford when he procured him to indorse this pass, yet, as it was a real pass, and not forged, altered or erased, I am humbly of opinion, that the said Peter Horseman is not guilty of felony within the meaning of the statute of 4th Geo. 2d. Cap. 18. But if the said Peter
Horse-

Horseman could be brought to England, (I humbly apprehend) he might be prosecuted for a capital crime, in wilfully sinking the Schooner, for which the pass was originally granted; otherwise I do not apprehend any thing can be done against him, except putting the bond (which was given on his obtaining the said pass) in suit, for non-performance of the conditions thereof.

As to the pass itself, which is now detained by Mr. Mortimer, he may very justifiably, under their lordships directions, refuse to deliver it, either to the Flemish magistrates, or to the said Peter Horseman, or any other person.

With respect to the prosecution of the three men, in custody at Ostend, for an offence said to be committed at Spithead, and on which accusation Mr. Mortimer mentions the said mens lives to be in danger, I am humbly of opinion that the Flemish magistrates have no kind of legal right to take cognizance of the offence, with which the said men are charged: And I do therefore humbly submit it to their lordships consideration, whether they will be pleased to direct the whole circumstances of this case to be laid before one of his majesty's principal secretaries of state, to the end (if he thinks proper) that an application may be made to the Imperial minister, to take all proper and immediate steps, for prohibiting the Flemish magistrates further proceeding against the said men, and for their being released from their present confinement.

Herewith you receive the letters and papers you were pleased to send me. I am, SIR,

your most humble

and most obedient servant,

SAMUEL SEDDON.

(A Copy)

Philip Stephens, Esq;

Encou-

Encouraged by the receipt of these letters, Mr. Mortimer now proceeded to draw up more spirited memorials, and to support his own opinion, which he had maintained in opposition to that of Mr. Gordon, "that the magistrates had no right to the papers given to him by the prisoners, much less to the Mediterranean pass, which they wanted Mr. Mortimer to give up to them, that they might restore it to Horsfeman," and which measure Mr. Gordon also advised.

Lord Weymouth, by this time alarmed at the ground the vice-consul had gained, and fully apprized that he might be charged with neglect, thought proper to write to Mr. Gordon to support Mr. Mortimer, and from this time the tenour of Mr. Gordon's letters changed, and he approved every thing the vice-consul had done or proposed to do. But the poor men remained still in prison, and Horsfeman was grown so refractory that he refused to obey the minutest orders of the vice-consul; and upon occasion of the said vice-consul's visiting his ship accompanied by three English captains, and a ship carpenter, in order to declare if she was in a condition to go the voyage, he refused to be on board, or to answer any question. The severity of the season, joined to the fatigue of mind and body which the vice-consul suffered in this contest with Horsfeman, laid him up: an abscess formed itself in his side, and he was five weeks in the hands of the surgeon major of the garrison, in the utmost danger of his life; at the end of which time he was scarce recovered, when he received a private letter informing him of his dismissal, by the appointment of Mr. Irvine to be consul, who was on his journey and intended to reside.

Mr. Mortimer had discharged the remainder of the English subjects from the service of the Brigantine, on proper affidavits made before him—that she was *a coffin*, apparently bought with a design to sink her, and unfit to go the voyage to Hamburgh: in consequence of which, three Flemish hands were put on board by recommendation of the magistrates, and before she got to the mouth of the Elbe she went to the bottom, and every soul perished.

It will now be necessary to observe that Mr. *Van-Isingham* the Danish consul assisted Mr. Mortimer with indefatigable attention during the course of this transaction, and regularly transmitted to the chamber of commerce at Copenhagen, minutes of all the proceedings—that the Danish consuls have written instructions, concerning all cases of difficulty that can possibly arise in their office, under the great seal of Denmark, signed by the king—but the British consuls have not a line, nor any guarantee whatever for their measures. In the 9th article of the Danish consul's instructions, Mr. Mortimer found a further justification of his own opinion and conduct, which is therefore inserted in this place.

Article 9. Et quant au cas criminels meritant punition corporelle, et qui ne seroient pas cependant du ressort de la juridiction du pays: tel que ceux qui pourroient s'être commis, soit à terre, soit à bord durant le cours du voyage: notre Consul trouvant l'accusé coupable, s'en employera auprès des puissances, ou du magistrat du lieu pour les faire mettre en prison, jusqu'à l'arrivée du premier bâtiment appartenant à quelques unes de nos sujets, qui feroit voile pour retourner dans nos états; au maître duquel bâtiment les dites criminels

nels seroient consignés pour être remis entre les mains des officers de justice, au premier port de notre domination ou il aborderoit.

Horseman's charge was brought for an act of mutiny committed at the mother-bank, Spit-head—on what pretext then could the magistrates of Ostend pretend to any jurisdiction over these men, and was it not Mr. Mortimer's duty to preserve the lives of such useful subjects as British mariners, on whose valour and skill in the art of navigation the prosperity of Great Britain chiefly depends, both in peace and war.

To this clear proof in support of the vice-consul's conduct it may not be improper to add Mr. Gordon's two last letters on the subject, in lieu of the memorials.*

Bruxelles, 22 Feb. 1768.

My dear sir,

Since the delivery of my answer to their memorial I have not heard a word from this government; in a discourse I had with C. Cobenzl he told me that I should soon have an answer, but I own I have my doubts—you will oblige me if you would let me know if all is quiet now at Ostend, or if you think the magistrates of that place are furnishing materials for a memorial; let me only intreat it of you to keep your temper, and be assured that you will not only meet with support here, but likewise at home—I have received orders in consequence, but my dispatch I cannot risque by the post, for many reasons.

* Authentic copies of the memorials in the French language drawn up and transmitted by Mr. Mortimer to Mr. Gordon at his request and by him presented to the court of Brussels may be perused by any gentleman at Mr. Mortimer's in Bedford-court North-street Red-lion Square.

Thank God the carnival is now at an end—last night a courier arrived here with the news that the grand dutchess of Tuscany was on the 12th instant brought to bed of a prince.

Believe me to be yours sincerely,

W. GORDON.

Bruxelles, 14 March, 1768.

Dear Sir,

Inclosed I send you a copy of a memorial which was presented to me yesterday relative to the late disputes you have had with the magistrates of Ostend.—After the open and candid manner in which I have acted with this government since the commencement of this disagreeable dispute, I was in hopes that they would have let the affair drop, but I am deceived, and I find they chuse to continue the dispute, I therefore transmit the memorial to you, and desire that you will, as soon as you conveniently can, send me up your thoughts upon it by way of answer as you did upon the last. Horseman's conduct appears to me most unaccountable, as indeed so does the magistrates conduct with regard to the sailors now in prison, this affair I think would come in properly enough in our answer—as you are now in possession of my memorial, you will be able to judge by the inclosed how far they have answered it, indeed after the long time they took to make their reply, I should have imagined that they would have produced a much more able production.

Believe me to be, my dear sir, your's sincerely,

W. GORDON.

Besides

Besides the approbation hinted at in these letters, the vice-consul received the following intimation from a friend at Brussels who was anxious for the event of this affair. " I dined yesterday tête à tête with Mr. Gordon, and said so much about your affair, that I was shewn a letter from lord Weymouth the secretary of state, in which, *he says how much right is on your side* and requires your support of Mr. Gordon, but withal directs him to act with that moderation as may preserve count Cobenzl's friendship (we ought to be sure to preserve the friendship of the most grateful queen of Hungary, and sacrifice our own commercial officers to complaisance to her minister)—and condemns very strongly your warmth and petulance expressed in your letters to Mr. Gordon, against which he is cautioned to act so as to give no offence—March 10th. On monday Mr. Gordon had a long letter from Lord Weymouth, and he read it to me, in that letter was every justification you can wish of your conduct, but orders to do every thing in support of it with the greatest politeness to the queen's minister, however such is the tenour of it, I think it is a complete victory in you.—March 17th." The fruits of this victory were the dismissal of Mr. Mortimer on the 30th of the same month. For which Lord Weymouth is here called upon to give such a fair account as is due to an injured man, whose fortune is blasted, and whose private circumstances are hurt by this step.

Mr. Mortimer left Ostend on the 5th of April following, with a view of soliciting some other employment under the government, through the representations of his friends; and on his arrival he immediately

immediately waited on lord Weymouth, and repeatedly left his name and address, both at his house and at his office, but his lordship never thought proper to grant him an interview; after some time, however, Mr. Wood sent for him: as Mr. Mortimer had mentioned his case to some persons of rank, particularly to Charles Jenkinson, Esq; one of the lords of the treasury, who was well acquainted with the nature of his services in the time of Mr. Grenville, he did not doubt but their interest and friendship had prevailed and procured him some new appointment. With the greatest alacrity, therefore, he attended Mr. Wood for the first time he had the happiness of knowing that gentleman. But what was his surprize, when he found Mr. Wood had only sent for him to reprimand him in a surly, ungenteel manner, for his conduct in the affair of Peter Horseman; and to acquaint him, that lord Weymouth and himself considered him only as Hatton's deputy, and consequently that he could not have any claim upon that office. On Mr. Mortimer's remonstrating, with all possible humility, on the hardship of his case, Mr. Wood told him, he had something to mention to him, but it should never go farther than that office; he then proceeded as follows, "How came you to write in one of your letters to Gordon, that you had the approbation of the admiralty with respect to the affair of Horseman?—I suppose you recollect it, or shall I shew you the copy Gordon transmitted to the office?" Mr. Mortimer replied, that he possibly might have written to that purport, as he looked upon Mr. Seddon the solicitor's letter to the lords of the admiralty, a copy of which was sent by their order to him, to be in fact an approbation of his conduct,

but

but hoped the dropping such an expression in a private letter to Mr. Gordon, would not be deemed a crime sufficient to cancel five years faithful services, often performed at the peril of his life; for had the smugglers on the Flemish coast discovered him to have been the occasion of the frequent seizures made in 1764 and 1765, they might have destroyed him as he travelled between Ostend and Dunkirk, along a dismal strand, for intelligence. Mr. Wood observed, that he was sorry for him, but that it was very unhappy for him in his present circumstances to have offended Lord Weymouth, whom by his application to the admiralty, he had made to appear negligent, and he could take upon him to say, there never was a more diligent man in business.* In fine, upon every remark made by Mr. Mortimer in his justification Mr. Wood only repeated this emphatical argument, *It will not hold water, indeed, it will not hold water.* It must not be forgot however, that he further blamed Mr. Mortimer for the warmth of his expressions to the magistracy of Ostend, which was exaggerated by them in their representations to the court of Brussels, and added, that the King was very angry at his *long* memorials to the court of Brussels, transmitted by him to

* The affair of the mediterranean pass, naturally engaged Mr. Mortimer to lay the case before the lords of the admiralty, and the pique was, that lord Weymouth was robbed of the merit of having supported the cause of the sailors, by the prior opinion of the admiralty; but he alone is to blame, for no answer could Mr. Mortimer obtain to the first letter he wrote desiring instructions in the affair, which he directed to Mr. Frazer, not knowing who was acting under-secretary to lord Weymouth, as they did not vouchsafe to notify it to him, nor correspond with him on the king's business.

Mr.

Mr. Gordon, who sent copies of them to the office. Mr. Mortimer is very sorry his zeal was intemperate, but the lives of three brave English seamen were at stake, (*and let it be remembered that for the voluntary service of these men last war no less than 6l. sterling per man was offered in our gazettes:*) one of whom since their enlargement has been with him in London to thank him for having saved their lives; and further informed him, that Mr. Irvine was so candid, as to order him to wait on Mr. Mortimer to return him thanks.

Mr. Wood having declared to some of Mr. Mortimer's friends, that it was impossible for him to do business in Flanders after his unhappy dispute with the court of Brussels, and Mr. Irvine having supported this assertion on his arrival at Ostend, by informing the British subjects, "that the Flemish government would not suffer Mr. Mortimer to stay any longer in the country," he judged it expedient to write to his excellency Comte Cobenzl, who constantly shewed him marks of his esteem as a private gentleman, and this great minister, lately deceased, whose abilities were perhaps superior as a statesman to any one man in Europe, immediately sent him an answer—his letter containing other matter, it will be sufficient to give the extract relative to that subject;

—Je suis fâché monsieur, que vous aiez cru pouvoir pretendre comme vice-consul, des droits, que le government ne pourroit pas admettre, mais je n'ai point insisté sur votre rappel, comme vous paroissez le croire: quoiqu'il en soit, je ne suis pas moins sincerement, &c.

Brusselles le 1 Maii, 1768. le CCobenzl.

A Monsieur,

Monsieur Mortimer ci devant vice-consul
pour sa Majesté Britannique à Ostende, &c.
à Londres.

Thus

Thus terminated the connection between Mr. Mortimer and the under-secretaries of state, and though repeated applications have been since made by his friends, to procure some redress for the injury and losses sustained by his sudden removal, hitherto every attempt of that sort has proved ineffectual; but thanks to the generous encouragement given by the public to literary productions, he has been enabled so surmount every inconvenience to which "the insolence of office" had exposed him, and being now an independent Englishman, he hopes to preserve that character, and his zeal for the true interest of his country inviolate, to the last hour of his existence.

A P P E N D I X.

ON or about the third day of January last, a Russian sailor stole a shirt from the Blue Posts a public house on the point at Portsmouth, and being soon after detected, the affair coming to the knowledge of the Russian vice admiral, (lately sailed for the Mediterranean,) he punished him by flogging him, but this was all the punishment inflicted upon him for the offence he had committed.

Nor was any notice taken of this act of *felony* committed by a foreign sailor on shore, "within the territorial jurisdiction of the King of Great Britain," by the Magistrates of the place.

Mr. Mortimer from a principle of humanity suppressed his remarks on this anecdote while the vice admiral remained at Portsmouth, but now he is sailed, and the Russian sailor's life cannot be

H

affected

affected by it, he lays them before his impartial and candid countrymen; and petitions them for justice against those cruel oppressors Lord Weymouth and his under secretaries.

The crime the Russian failor was guilty of, is punishable with death by the laws of England, and many a poor Englishman has lately suffered at Tyburn for a less offence.

By the law of nations, and by all the Maritime codes of Europe, it is agreed, that the ships of all nations at amity with each other, shall enjoy perfect freedom in foreign ports, and that if any crimes shall be committed among themselves on board their own ships, they shall only be cognizable by the commanders of such ships, or, on their application made to him, by the minister, consul or representative of the nation to which such ships belongs, who shall in such cases order the criminals home to be dealt with according to the laws of their country.

But crimes committed on *shore*, “ within the territorial jurisdiction of the state where the ships are in Port”—and respecting a damage done to the subjects of such state, become cognizable by the magistracy of the place, and the offenders may be proceeded against according to the laws of the country.

The magistracy of PORTSMOUTH in ENGLAND then, had a clear right to seize on the Russian failor, and to try him by the laws of England; had this been done, in all probability he would have suffered death.

The magistracy of OSTEND, in FLANDERS had no right to take cognizance of the offence committed by Peter Horseman's men on board their
own

own ship, at the mother Bank, Spithead—Yet so strenuous were they for the maintenance of an empty prerogative of *their* sovereign, that they insisted on trying these men for *mutiny*, by *their* laws, in the same manner as if the crime had actually been committed “within the territorial jurisdiction of the empress queen.”

Mr. Mortimer resolutely interfered, (for a long time unsupported and unnoticed by the secretary of state) and then because he had given the office some trouble by memorials and remonstrances, he was made the victim of his diligence, and ruined for his humanity to his countrymen, and his zeal for the honour of his king.

The contrast of the two transactions is apparent; and the unprejudiced are only desired to reflect, in what kind of light we must appear in the foreign courts from such impolitic, dastardly conduct.

Will a generous people any longer admit of Mr. Wood's plea, “that Mr. Mortimer was only a deputy, whose office ceased of course when a new principal was appointed?”—Was there no reward in the power of the crown for faithful services, no recompence for fidelity? yes!—but injustice and ruin were deemed the proper recompence, for the man who had exposed the negligence of imperious secretary of state.

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